

**Draft information request letter for 11-52-0075-P (intended to replace the draft question and draft cover for aa documents):**

The Department of Environmental Quality's Water Resources Division (WRD) has initiated review of your permit application to construct a new, 21.4 mile long north/south primary county road between US-41 and County Road Triple A, known as "County Road 595". The application has been determined to be administratively complete under the statutory criteria of Part 31, Floodplain Regulatory Authority, found in Water Resources Protection; Part 301 Inland Lakes and Streams; and Part 303, Wetlands Protection of Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.

Due to significant public interest in the proposed activity, WRD is taking this opportunity to outline the review process, and intends to fully evaluate all information relevant to pertinent statutory criteria in making a decision on the application. The application has been determined to be administratively complete, and the project purpose has been accepted. WRD has initiated review of the "Revised Alternatives Analysis and Project Assessment" found in pages 38 through 252; tab 3, "Project Use and Alternatives" of the application.

Based on this preliminary review, WRD has determined additional information is needed to demonstrate that there are no feasible and prudent alternatives to accomplish the project purpose, which have less adverse impact on aquatic resources.

This determination is based on Rule 2a(2) and 2a(6) of the Administrative Rules for Part 303, which state, in pertinent part: *(2)... a permit applicant shall bear the burden of demonstrating that an unacceptable disruption to aquatic resources will not occur as a result of the proposed activity and demonstrating either of the following:*

*(a) The proposed activity is primarily dependent upon being located in the wetland.*

*(b) There are no feasible and prudent alternatives to the proposed activity.*

*(6) An alternative is feasible and prudent if both of the following provisions apply:*

*(a) The alternative is available and capable of being done after taking into consideration cost, existing technology, and logistics.*

*(b) The alternative would have less adverse impact on aquatic resources.*

**The information requested is as follows:**

Part 303 Administrative Rule 2a (2) referenced above requires that the applicant demonstrate there are no "feasible and prudent" alternatives to the proposed

activity. The demonstration shall include, among other things, a consideration of logistics, cost and adverse impacts on aquatic resources [Rule 2a(6)]. Therefore, in order for WRD to better evaluate the alternatives in accordance with this statutory requirement, please provide the following information:

The Mulligan West alternative route was eliminated from consideration by the application, because the applicant considered that it was not prudent to (1) condemn an area of a Nature Conservancy conservation easement, (2) locate the road parallel to the Yellow Dog River for a mile, and (3) locate the road downstream of the Silver Lake Dam. The Mulligan East alternative route is stated in the application by the applicant as meeting the project purpose, but not being feasible and prudent due to the necessity of crossing a gorge at the Yellow Dog River and being located downstream of the Silver Lake Dam.

- Indicate and describe the method used to estimate wetland impacts for each of these alternatives.
- Provide a comparison of the secondary impacts to aquatic resources that would result from construction of each of these alternatives to the secondary aquatic resource impacts that would result from the proposed County Road 595 construction.
- Provide a cost comparison for each of these alternatives to proposed County Road 595, including:
  - Information regarding the cost and logistical reasons to document why crossing the conservation easement is not considered to be feasible and prudent, in consideration of potential mitigating measures that could be put in place. You may wish to consider requesting determination of whether a Threatened and Endangered species permit is required by DNR for the specific route shown in the application, affecting sections 20 and 28 of the conservation easement area.
  - Cost for the engineering and construction of a bridge over the Yellow Dog River gorge.
  - Overall cost for construction for each of these alternatives, compared to the cost of the proposed County Road 595 construction, including the cost of relocating the snowmobile trail.
  - Cost for compensatory wetland mitigation for the actual wetland acres and types that would be impacted on each of these alternatives, assuming that these impacts would be avoided and minimized to the extent possible. Include a comparison to the cost

for compensatory wetland mitigation for the proposed County Road 595 route.

- Comparison of the number stream crossings on each of these alternative routes, with the number of stream crossings on the proposed County Road 595 route, including the associated costs of construction of the stream crossings.
- Anticipated cost of stream mitigation for each of these alternatives, compared to stream mitigation costs for proposed County Road 595. Please consider that stream mitigation would likely not be required for bridging the Yellow Dog River gorge.

The “Sleepy Hollow” alternative is stated in the application as not meeting the project purpose and not being a feasible or prudent alternative to proposed County Road 595. To assist in WRD’s assessment of this alternative, please provide the following information:

- A cost comparison for construction of this route to proposed County Road 595, including relocation of the hairpin curve, stream crossing construction costs, compensatory stream mitigation costs (stream channel areas currently running adjacent and parallel to the road are likely to be improved by proper relocation), and compensatory wetland mitigation costs.
- A comparison of the emergency response time for this route, to that for the proposed County Road 595, including response time from/to Marquette General Hospital and Bell Memorial Hospital.
- A comparison of the effects of the use of this alternative to the use of proposed County Road 595 on the recreational uses of the land area affected by each.
- A comparison of the estimated commercial, industrial, and other business benefits of this route to those for the proposed County Road 595.
- Documentation to indicate whether this route has been evaluated as a potential primary county road by MDOT, and whether it meets the criteria, as determined by MDOT.
- Please provide a comparison of the secondary impacts to the aquatic resources that would result from the use of this route, to those for proposed County Road 595.

Lastly, please indicate whether a recent determination has been sought from the Michigan Department of Natural Resources, regarding the requirement for a

threatened and endangered species permit(s), for the entire County Road 595 route, in particular for the areas relocated from the previously proposed Woodland Road route.

The WRD will not finalize review of the application until after the public comment period has closed on March 2, 2012, and pertinent agency comments have been reviewed, including those from the U.S. Environmental Protection Agency (EPA). WRD intends to fully evaluate all information relevant to pertinent statutory criteria in making a decision on the application. Please be advised that the Marquette County Road Commission (MCRC) is not compelled to provide the requested alternatives information. However, if the information is not provided, a decision would have to be made based on the statutory criteria of Part 31, Part 301, and Part 303, and available information in the application.

WRD is raising these questions now in the belief that it will assist in making an appropriate decision on this application in a timely manner. Additional questions or comments on this subject may arise during review of public and agency (including EPA) comments.

Thank you in advance for your continued cooperation in this matter. If you have any questions, please contact Ms. Ginny Pennala at 906-346-8559, or at [pennalav@michigan.gov](mailto:pennalav@michigan.gov), or you may contact me at 906-346-8535, or at [caseys@michigan.gov](mailto:caseys@michigan.gov).

Cc: Ms. Melanie Haveman, EPA  
others